

IN THE UNITED STATES DISTRICT COURT
DISTRICT FOR SOUTH CAROLINA
FLORENCE DIVISION

SEP 18 '23 AM 10:51
RCVD - USDC FLO SC

Bronson Shelley,)	CA NO.: 4:20-CV-03025-JD-TER
PLAINTIFF,)	<u>PLAINTIFF'S RESPONSE IN OPPOSITION</u>
V.)	<u>TO DEFENDANTS MOTION FOR SUMMARY</u>
BRYAN P. STIRLING, et. al, IN)	<u>JUDGMENT</u>
THEIR OFFICIAL AND INDIVIDUAL)	
CAPACITIES,)	
DEFENDANTS.)	

TO: BRYAN P. STIRLING, DENNIS R. PATTERSON, JAMES M. BROWN, AND ANNIE RUMLER, REPRESENTED BY ATTORNEY WILLIAM H. COX III, ATTORNEY FOR THE DEFENDANTS.

PRO SE PLAINTIFF, Bronson Shelley, RESPECTFULLY SUBMITS THIS RESPONSE IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, PURSUANT TO RULE 12(D), AND RULE 56(C), AND (4), ~~AND (4)~~ OF THE FEDERAL R. CIV. P., SHOWING THAT THERE EXISTS GENUINE ISSUES OF MATERIAL FACT IN DISPUTE AND THEREFORE DEFENDANTS ARE NOT ENTITLED TO SUMMARY JUDGMENT AS A MATTER OF LAW.

THIS RESPONSE IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT SHALL BE BASED ~~ON~~ UPON THE FOLLOWING FACTUAL AND LEGAL GROUNDS.

1. RACIAL DISCRIMINATION IN THE FORM OF CULTURAL GENOCIDE BY DEFENDANTS IS UNCONSTITUTIONAL UNDER THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT.
2. DEFENDANTS PRISON POLICY PS. 10.05, "INMATE RELIGION", IS NOT NEUTRAL TOWARDS RELIGION AND HAD THE EFFECT OF DISCRIMINATION AGAINST PLAINTIFF.
3. DISCRIMINATORY PURPOSE OR INTENT WAS PART OF THE REASON FOR THE RULE.
4. RACISM AND RACIAL HIERARCHY IS SO DEEPLY IMBEDDED IN U.S. HISTORY, U.S. JURISDICTION, U.S. LAW AND IT'S LEGAL INSTITUTIONS THAT IT HAS BECOME AN UNCONSCIOUS CUSTOM OF ABUSE AND IS THE NORM TO SUBJUGATE NATIVE INDIGENOUS, BLACK, AND HISPANIC PEOPLE TO THE LASTING AFFECTS OF WHITE SUPREMACIST RACIAL INEQUITIES, FORCED ASSEMLATION, CULTURAL DIFFUSION AND GENOCIDE, ALL OF WHICH VIOLATE PLAINTIFF'S RIGHTS UNDER THIS CONSTITUTION AND SCRA.

5. DEFENDANTS ARE NOT ENTITLED TO QUALIFIED IMMUNITY FROM MONETARY LIABILITY IN THEIR INDIVIDUAL CAPACITIES FOR VIOLATING A CLEARLY ESTABLISHED LAW UNDER 42 U.S.C. § 1983 BASED ON THE FACTS THAT THEIR ACTIONS WERE TAKEN UNDER COLOR OF STATE LAW WHICH VIOLATED PLAINTIFFS RIGHTS TO EQUAL PROTECTION OF THE LAW UNDER THE FOURTEENTH AMENDMENT.

6. DEFENDANTS ARE NOT ENTITLED TO QUALIFIED IMMUNITY FROM PLAINTIFF RECEIVING INJUNCTIVE RELIEF IN THEIR OFFICIAL CAPACITIES FOR VIOLATING A CLEARLY ESTABLISHED LAW UNDER 42 U.S.C. § 1983 BASED ON THE FACTS THAT THEIR ACTIONS WERE TAKEN UNDER COLOR OF STATE LAW WHICH VIOLATED PLAINTIFFS RIGHTS UNDER THE SOUTH CAROLINA RELIGIOUS FREEDOM ACT AND 'EQUAL PROTECTION' CLAUSE OF THE FOURTEENTH AMENDMENT WHEN THEY IMPLEMENTED A POLICY THAT WAS NOT NEUTRAL TOWARDS RELIGION AND HAD THE EFFECT OF DISCRIMINATING AGAINST PLAINTIFF IN HIS FREE EXERCISE OF RELIGION AND RIGHT TO RECEIVE 'EQUAL PROTECTION' UNDER THE LAW, EVEN THOUGH THE ACTIONS OF THIS STATE VIOLATED HIS INHERENT SOVEREIGN RIGHT TO SELF-GOVERNANCE AND SELF-DETERMINATION WHEN THEY FALSELY ASSERTED JURISDICTION AND CITIZENSHIP UPON HIM WHEN HE IS A CHILD OF AN INDIAN PARENT AND THIS STATE AND ITS MUNICIPALITIES ARE BOUND BY TREATIES MADE WITH THE CHEROKEE NATION THE SUPREME LAW OF THE LAND.

7. THIS MOTION SHALL BE BASED UPON THE STATUTORY AND COMMON LAWS OF THE STATE OF SOUTH CAROLINA AND UNITED STATES OF AMERICA, THE FEDERAL RULES OF CIVIL PROCEDURE, THE PLEADINGS FILED, CLAIMS ASSERTED, SUPPORTED MEMORANDA, AND ANY AND ALL AFFIDAVITS AND EXHIBITS WHICH MAY BE SERVED ON OR BEFORE THE DATE OF HEARING HEREON, AS WELL AS PLAINTIFF'S VERIFIED COMPLAINT ON FILE.

SEPT. 7, 2023

DATE:

Bronson Shelley
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